IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 407 OF 2004

Moti Dinshaw Moriabadi Irani ...Petitioner

Versus

Dara K. Moriabadi/Irani & Anr. ...Respondents

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Ms. Kinjal Haria h/f J.S. Kini, counsel for Petitioner

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CORAM: B. H. MARLAPALLE, J.

DATED: 18TH FEBRUARY, 2005

P. C.:-

1. The petitioner claims that the order dated 3.2.1996 passed by the learned C.J.S.D. at Pune, below Exh.5 in Special Civil Suit No. 134 of 1995 has been wilfully disobeyed by the respondents and therefore, this Contempt petition. If that be so, the petitioners have an efficacious remedy under Order XXXIX Rule 2-A of C.P.C.

2. It is required to be noted that by order dated 29.7.2003 this court did not give any specific direction or any conditional directions against the present respondents. The alleged sale deed is claimed to have been executed on 25.6.2004 and

therefore, it would be an efficacious remedy for the petitioners to approach the court below as noted hereinabove.

3. The contempt petition is therefore, disposed of with liberty to approach the trial court.